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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Dudley *et al.*      Examiner : Jean-Louis, Samira JM  
Serial No. : 10/829,618      Confirmation No. : 7286  
Filed : April 20, 2004      Group Art Unit : 1627  
For : ANDROGEN PHARMACEUTICAL COMPOSITION AND METHOD  
FOR TREATING DEPRESSION

**PETITION UNDER 37 C.F.R. § 1.59 TO EXPUNGE APPLICATION PAPERS**

**VIA HAND DELIVERY**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Pursuant to MPEP § 724, Applicants hereby submit the present Petition under 37 C.F.R. § 1.59. This Petition is being filed on a contingent basis, *i.e.*, in the event (and to the extent) that the Examiner determines that materials filed under seal and cited in the Supplemental Information Disclosure Statement, filed concurrently herewith, are not considered material to the patentability of the subject matter claimed in the above-captioned application.

Applicants submit the contents of the attached envelope under seal, which are considered to be PROPRIETARY INFORMATION and MATERIALS SUBJECT TO A PROTECTIVE ORDER FOR CONSIDERATION UNDER MPEP Section 724.05.

Pursuant to 37 C.F.R. § 1.59(b), Applicant hereby authorizes the Commissioner to charge the petition fee required by 37 C.F.R. § 1.17(g) to Deposit Account No. 02-4377, in the event that the Petition to Expunge is granted. If any additional fee is due, or if any overpayment

has been made, the Commissioner is authorized to charge any such fee or credit any overpayment, to our Deposit Account No. 02-4377.

Date: January 14, 2011

Respectfully submitted,

Sandra Lee

Sandra S. Lee  
Patent Office Reg. No. 51,932

Daniel Hulseberg  
Patent Office Reg. No. 36,554

**Baker Botts L.L.P.**  
**CUSTOMER NO. 11030**

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Atty. Docket No. 003168.1043  
PATENT

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For : ANDROGEN PHARMACEUTICAL COMPOSITION AND METHOD  
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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

**FOR CONSIDERATION UNDER MPEP § 724**

**VIA HAND DELIVERY**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Applicants submit the contents of the attached envelope under seal, which are considered to be **PROPRIETARY INFORMATION OR INFORMATION SUBJECT TO A PROTECTIVE ORDER FOR CONSIDERATION UNDER MPEP § 724**. Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the sealed Form PTO 1449 and respectfully request that the listed documents be considered by the Examiner and made of record in the above-captioned application.

Pursuant to MPEP § 724, Applicants also attach herewith a Petition under 37 C.F.R. § 1.59 to expunge the contents within the attached envelope, in the event (and to the extent) that such documents are not considered to be material to the patentability of the subject matter claimed in the above-captioned application.

This Information Disclosure Statement is submitted according to the following selected paragraph(s):

- This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(b) (1) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d); (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.
- This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(c) prior to either a final action or a notice of allowance. Payment for the fee required by 37 C.F.R. §1.17(p) is hereby authorized to be charged to Deposit Account No. 02-4377.
- This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(c), with a statement under, 37 C.F.R. §1.97(e) prior to either a final action or a notice of allowance. The undersigned hereby states that (check one):
  - each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
  - no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the information disclosure statement.
- This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(d), with a statement under 37 C.F.R. §1.97(e), after a final action or a notice of allowance but prior to payment of the issue fee. Payment for the fee required by 37 C.F.R. §1.17(p) is hereby

authorized to be charged to Deposit Account No. 02-4377. The undersigned hereby petitions that this Information Disclosure Statement be considered prior to issuance of the patent. The undersigned hereby states that (check one):

- each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
- no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the information disclosure statement.
- The references listed on the accompanying PTO-1449 were either cited by the Examiner or previously submitted in co-pending application U.S. Serial No. \_\_\_\_\_, filed \_\_\_\_\_. Pursuant to 37 C.F.R. § 1.98(d), the references are not required if the earlier application is identified and relied upon for an effective filing date under 35 U.S.C. § 120 and therefore are not enclosed herewith.

**Co-Pending Application Disclosure**

- Applicants would like to bring to the attention of the Examiner the following co-pending patent applications, which are also listed on the accompanying PTO-1449:

Application Serial No.	Filing Date

**Disclosure of Office Actions and Responses in Co-Pending Applications**

- Applicants would like to bring to the attention of the Examiner the following Office Actions issued in co-pending patent applications and Responses to Office Actions filed in such applications, which are also listed on the accompanying PTO-1449:

Application Serial No.	Date of Office Action or Response

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of the documents.

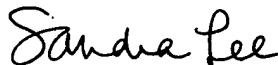
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

Applicants believe no additional fee is due in connection with this submission. However, if any additional fee is due, or if any overpayment has been made, the Commissioner is authorized to charge any such fee or credit any overpayment to our Deposit Account No. 02-4377.

Respectfully submitted,

January 14, 2011

Date

  
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